

Message Text

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PAGE 01 NEW DE 08894 031400Z

41

ACTION NEA-16

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-03 H-03 SY-04 JUSE-00

DEAE-00 DRC-01 RSC-01 SSO-00 /033 W

----- 125475

O 031546Z JUL 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 2458

C O N F I D E N T I A L NEW DELHI 8894

FOL REPEATED FOR YOUR INFO

QTE

O 031045Z JUL 74

FM AMCONSUL CALCUTTA

TO AMEMBASSY NEW DELHI NIACT IMMEDIATE 9667

C O N F I D E N T I A L CALCUTTA 1366

EYES ONLY FOR CHARGE

E.O. 11652: GDS

TAGS: PFOR, CASC, IN

SUB:

HARCOS/FLETCHER

REF: CALCUTTA 1361

1 DEFENSE LAWYER BHOSE TOLD ME THIS MORNING THAT, WHATEVER PROSECUTION'S ATTITUDE, IT WOULD BE DIFFICULT OR IMPOSSIBLE FOR COURT TO GRANT BAIL SO LONG AS CHARGES CONTINUE TO BE BASED AS AT PRESENT. INDIAN LAW, HE SAID, SPECIFIES THAT IF THERE IS A REASONABLE CHANCE OF CONVICTION OF A VIOLATION CARRYING A MAXIMUM SENTENCE OF MORE THAN SEVEN YEARS, BAIL SHOULD BE DENIED. SECTION 3 OF THE OFFICIAL SECRETS ACT CARRIES A MAXIMUM SENTENCE OF FOURTEEN YEARS AND CONSPIRACY (SECTION 9) TO VIOLATE SECTION 3 CARRIES SAME MAXIMUM SENTENCE. SECTION 6 CARRIES MAXIMUM SENTENCE OF THREE

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YEARS. BHOSE SAID FLETCHER IS CULPABLE UNDER SECTION 6 FOR

HAVING REGISTERED UNDER FALSE NAME AT AMRITSAR AND ANOTHER PLACE NEAR DELHI. POLICE HAVE HOTEL REGISTERS.

2. BHOSE SEES NO PROBLEM WITH BAIL UNDER SOME SORT OF HOUSE ARREST. HE SAID THE CHINESE AMONG THE ACCUSED WHO IS ON BAIL IS UNDER CLOSE POLICE SURVEILLANCE. APPARENTLY THE EVIDENCE AGAINST HIM IS NOT VERY STRONG AND HIS CALCUTTA-BASED BUSINESS INTERESTS GIVE HIM STRONG REASON FOR NOT JUMPING BAIL.

3. COMMENT: UNLESS FURTHER DISCUSSION UNCOVERS SOME LOOP-HOLE, IT APPEARS THAT PROGRESS ON THIS FRONT MAY WELL DEPEND ON ONGOING EFFORTS TO GET CHARGES CHANGED. UNLESS YOU OR DEPARTMENT SEE OBJECTION, I WILL GO BACK TO THE CHIEF MINISTER WITH THIS, THUS IN EFFECT OPENING WITH HIM FOR THE FIRST TIME THE QUESTION OF POSSIBLE MODIFICATION OF CHARGES.
PICKERING UNQTE SCHNEIDER

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Message Attributes

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